

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DANIEL J. HARSHBARGER, et al.</b> <i>Plaintiffs</i>	:	<b>CIVIL ACTION</b>
	:	
	:	<b>NO. 12-6172</b>
<b>v.</b>	:	
	:	
<b>PENNSYLVANIA MUTUAL LIFE INSURANCE COMPANY</b> <i>Defendant</i>	:	
	:	

**ORDER**

**AND NOW**, this 11<sup>th</sup> day of April 2014, upon consideration of Defendant Pennsylvania Mutual Life Insurance Company's *motion to dismiss Plaintiffs' complaint*, filed pursuant to Federal Rule of Civil Procedure 12(b)(6) [ECF 8], Plaintiffs' response in opposition thereto [ECF 20], Defendant's reply [ECF 22], the parties' respective supplemental briefs [ECF 27, 30, 31, and 32], the allegations contained in the complaint [ECF 1], and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the motion to dismiss is **GRANTED**, and this Court will **ABSTAIN** from exercising its jurisdiction in this matter in deference to the Pennsylvania Department of Insurance.

It is further **ORDERED** that this matter is **STAYED** pending resolution of Plaintiffs' claims before the Pennsylvania Department of Insurance. This matter shall be placed in **CIVIL SUSPENSE** until further order of the Court.

**BY THE COURT:**

  
\_\_\_\_\_  
NITZA I. QUIÑONES ALEJANDRO, J.